

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2303

To provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 21 (legislative day, JULY 20), 1994

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Anaktuvuk Pass Land  
5   Exchange and Wilderness Redesignation Act of 1994”.

### 6   **SEC. 2. FINDINGS.**

7       The Congress makes the following findings:

8           (1) the Alaska National Interest Lands Con-  
9       servation Act (16 U.S.C. 460hh et seq.), enacted on  
10      December 2, 1980, established the Gates of the Arc-

1       tic National Park and Preserve and the Gates of the  
2       Arctic Wilderness.

3           (2) The village of Anaktuvuk Pass, located in  
4       the highlands of the central Brooks Range, is vir-  
5       tually surrounded by such national park and wilder-  
6       ness area.

7           (3) Unlike most other Alaska Native commu-  
8       nities, the village of Anaktuvuk Pass is not located  
9       on a major river, lake, or coastline that can be used  
10      as a means of access.

11          (4) The residents of Anaktuvuk Pass have re-  
12      lied increasingly on snow machines in winter and all-  
13      terrain vehicles in summer as their primary means  
14      of access to pursue caribou and other subsistence re-  
15      sources.

16          (5) In a land exchange agreement in 1983, lin-  
17      ear easements were reserved by the Inupiat Eskimo  
18      people for use of all-terrain vehicles across certain  
19      national park lands, mostly along stream and river  
20      banks.

21          (6) Such linear easements proved unsatisfac-  
22      tory, because such easements provided inadequate  
23      access to subsistence resources and caused excessive  
24      environmental impact from concentrated use.

1           (7) Officials of the National Park Service and  
2           the Nunamiut Corporation initiated discussions in  
3           1985 to address concerns over the use of all-terrain  
4           vehicles on park and wilderness land.

5           (8) Such discussions resulted in an agreement,  
6           originally executed in 1992, and subsequently  
7           amended in 1993 and 1994, between the National  
8           Park Service and the Nunamiut Corporation and the  
9           city of Anaktuvuk Pass, Alaska, and the Arctic  
10          Slope Regional Corporation.

11          (9) The full effectuation of the agreement, by  
12          its terms, described in paragraph (7) requires the  
13          approval and ratification by Congress.

14   **SEC. 3. DEFINITIONS.**

15          As used in this Act:

16          (1) AGREEMENT.—The term “Agreement”  
17          means the document entitled “Donation, Exchange  
18          of Lands and Interests and Wilderness Redesigna-  
19          tion Agreement Among Arctic Slope Regional Cor-  
20          poration, Nunamuit Corporation, City of Anaktuvuk  
21          Pass and the United States of America”, executed  
22          on December 17, 1992, and subsequently amended  
23          by the parties in 1993 and 1994.

24          (2) SECRETARY.—The term “Secretary” means  
25          the Secretary of the Interior.

1 **SEC. 4. RATIFICATION OF AGREEMENT.**

2 (a) RATIFICATION.—

3 (1) IN GENERAL.—The Agreement is hereby  
4 ratified and confirmed. The terms, conditions, proce-  
5 dures, covenants, reservations, and other provisions  
6 set forth by the parties specified in section 2(7) of  
7 the Agreement, and subsequently amended are here-  
8 by are ratified and confirmed. The obligations and  
9 commitments of the United States, Arctic Slope Re-  
10 gional Corporation, Nunamiut Corporation and the  
11 city of Anaktuvuk Pass, under such Agreement are  
12 hereby considered to be a matter of Federal law.

13 (2) LAND ACQUISITION.—Subject to any appli-  
14 cable law, the lands acquired by the United States  
15 pursuant to the Agreement shall be administered by  
16 the Secretary as part of the Gates of the Arctic Na-  
17 tional Park and Preserve.

18 (b) MAPS.—

19 (1) IN GENERAL.—The lands subject to the  
20 conveyances, retention of surface access rights, ac-  
21 cess easements, and all-terrain vehicle easements  
22 shall be determined in accordance with the maps de-  
23 scribed as exhibits C1, C2, and D through I of the  
24 Agreement and the Map No. 185/80,039, entitled  
25 “Land Exchange Actions, Proposed Anaktuvuk Pass  
26 Land Exchange and Wilderness Redesignation,

1 Gates of the Arctic National Park and Preserve”,  
2 dated April 1994.

3 (2) LOCATION OF MAPS.—The maps shall be on  
4 file at the Alaska Regional Office of the National  
5 Park Service and the offices of Gates of the Arctic  
6 National Park and Preserve in Fairbanks, Alaska.

7 (3) PUBLIC INSPECTION.—The Secretary shall  
8 ensure that written legal descriptions of the lands  
9 described in paragraph (1) shall be available for  
10 public inspection in the offices specified in para-  
11 graph (2).

12 (4) DISCREPANCIES.—In case of any discrep-  
13 ancy between the maps described in paragraph (1)  
14 and the Map No. 185/80,039, the Map No. 185/  
15 80,039 shall control.

16 **SEC. 5. NATIONAL PARK SYSTEM WILDERNESS.**

17 (a) REDESIGNATION.—

18 (1) IN GENERAL.—Section 701(2) of the Alaska  
19 National Interest Lands Conservation Act (16  
20 U.S.C. 1132 note) is amended by striking out “ap-  
21 proximately seven million and fifty-two thousand  
22 acres” and inserting in lieu thereof “approximately  
23 7,340,832 acres”.

24 (2) ACREAGE.—The amendment made by para-  
25 graph (1) shall result in the addition to the Gates

1 of the Arctic Wilderness of approximately 56,825  
2 acres, and the rescission of approximately 73,993  
3 acres as wilderness, from the total acreage of the  
4 Gates of Arctic Wilderness (as determined on the  
5 day before the date of enactment of this Act).

6 (b) MAPS.—The lands redesignated in subsection (a)  
7 are depicted on a map prepared by the National Park  
8 Service entitled “Wilderness Actions, Proposed Anaktuvuk  
9 Pass Land Exchange and Wilderness Redesignation,  
10 Gates of the Arctic National Park and Preserve”, Map  
11 No. 185/80,040, dated April 1994, and on file at the Alas-  
12 ka Regional Office of the National Park Service and the  
13 office of Gates of the Arctic National Park and Preserve  
14 in Fairbanks, Alaska.

15 **SEC. 6. CONFORMANCE WITH OTHER LAW.**

16 (a) ALASKA NATIVE CLAIMS SETTLEMENT ACT.—All  
17 of the lands, or interests therein, conveyed to and received  
18 by Arctic Slope Regional Corporation or Nunamiut Cor-  
19 poration pursuant to the Agreement shall be deemed to  
20 have been conveyed and received pursuant to the require-  
21 ments relating to land exchanges under section 22(f) of  
22 the Alaska Native Claims Settlement Act (43 U.S.C.  
23 1621(f)).

1       (b) VALID EXISTING RIGHTS.—All of the lands or in-  
2       terests in lands conveyed pursuant to the Agreement shall  
3       be conveyed subject to valid existing rights.

4       (c) ALASKA NATIONAL INTEREST LANDS CONSERVA-  
5       TION ACT.—Nothing in this Act or in the Agreement may  
6       be construed to enlarge or diminish the rights, privileges,  
7       or obligations of any person, except to the extent specifi-  
8       cally set forth in this Act or the Agreement (including the  
9       specific preference for subsistence uses and access to sub-  
10      sistence resources provided under the Alaska National In-  
11      terest Lands Conservation Act (94 Stat. 2417 et seq.)).

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